

ORDINANCE NO. A05-8

With Conditions

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND
IN A C-1 COMMERCIAL DISTRICT FOR A MINI-STORAGE FACILITY TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING
IN THE TOWN OF BRIDGEVILLE, DELAWARE

WHEREAS, on the 22nd day of April, 2005, a Conditional Use Application was filed on behalf of Rafail Properties, LLC; and

WHEREAS, on the 12th day of July, 2005, a public hearing was held, after notice, before the Commissioners of Bridgeville and the Commissioners, based on the Finding of Facts, attached hereto determined that said Conditional Use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Bridgeville and that the Conditional Use is for the general convenience and welfare of the inhabitants of Bridgeville;

NOW, THEREFORE, the Commissioners of Bridgeville hereby ordain:

Section 1. Pursuant to the Bridgeville Zoning Ordinance, a Conditional Use is granted to the property hereinafter described to be used for a Mini-Storage facility:

BEGINNING at a P.K. nail set along the Northwestern right of way of Market Street, a/k/a Delaware Road 404, at the edge of a 5 foot sidewalk, said P.K. nail marking a corner for these lands and lands now or formerly of Barbara A. Chaffinch; thence by and with the division line between these lands and lands now or formerly of Barbara A. Chaffinch North 07° 32' 34" West for a distance of 55.82 feet to an iron rod found; said rod marking a corner for these lands and lands now or formerly of Barbara A. Chaffinch; thence turning and running along the division line between these lands and lands now or formerly of Barbara A. Chaffinch South 82° 30' 03" West for a distance of 47.01 feet to a railroad spike found, said spike marking a corner for these lands and lands now or formerly of Barbara A. Chaffinch and being located along the easterly edge of a 14 foot wide alley known as John Street; thence by and with the easterly edge of John Street North 09° 07' 37" West for a distance of 126.46 feet to a railroad spike set; said spike marking a corner for these lands and being located along the line of lands now or formerly of Juan Quezada; thence turning and running along the division line between these lands and said Quezada lands and lands now or formerly of William L. and Marjorie E. Flynn North 78° 08' 52" East 140.70 feet to a railroad spike set; said spike marking a corner for these lands and lands now or formerly of Walter Flowers; thence turning and running along the division line between these lands and said Flowers lands, lands now or formerly of Ellen C. Tribbett and lands now or formerly of the Town of Bridgeville South 10° 27' 47" East for a

distance of 135.87 feet to a railroad spike found; said spike marking a corner for these lands and lands now or formerly of Bridgeville Building and Loan; thence turning and running along the division line between these lands and lands of Bridgeville Building and Loan and lands now or formerly of Doris Beulah South $81^{\circ} 38' 06''$ West for a distance of 86.73 feet to an iron rod found, said iron rod marking a corner for these lands and said Beulah lands; thence turning and running along the division line between these lands and said Beulah lands South $07^{\circ} 32' 34''$ East for a distance of 55.90 feet to an iron rod found along the edge of the aforesaid 5 foot sidewalk; thence turning and running along the edge of said sidewalk South $82^{\circ} 27' 26''$ West for a distance of 10 feet home to the point and place of beginning, said to contain 19,236.4 square feet of land, +/-, and further shown on the Tax Maps of Sussex County Department of Finance as Map No. 1-31-10.16-14.

This Ordinance is subject to the following conditions:

1. The mini-storage facility shall contain no more than 18 storage units;
2. The property shall be properly illuminated at nighttime for the purpose of security; however, the illumination shall be such that it does not adversely affect any neighboring residential properties;
3. Bollards or some other type of barriers shall be erected to prevent vehicles from damaging the building to be erected. The bollards shall be no greater than six feet apart;
4. Tenants of the storage units shall not store anything outside of the storage units. The owner of the property, however, may store his possessions, equipment, and property outside of the storage units;
5. The parking and driveway areas around the buildings shall be covered in gravel;
6. The new storage building shall not be greater than 16 feet in height;
7. The buildings shall be used for storage only. No fabrication shall take place in or around the storage units;
8. No hazardous materials shall be maintained or stored on the premises. This prohibition shall be included in any and all rental agreements and its enforcement shall be the responsibility of the owner of the property.
9. Fences shall be erected between the corners of the two storage buildings, and from the corner of the existing storage building to the property line.

Section 2. This Ordinance shall take effect immediately upon its adoption by a majority vote of all the members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By: Joseph T. Conway
President

Attest: Margaret W. Sipple
Secretary

Adopted: October 3, 2005.

FINDINGS OF FACT

1. The property is owned by Rafail Properties, Inc.
2. The property lies on Market Street and John Street, a 14-foot wide alley.
3. The property presently contains a mini-storage facility similar to the one that will be constructed.
4. The property will not use any additional Town services.
5. The property is zoned C-1 Commercial.
6. The use is compatible to the surrounding area in that it is a low-intensity use that will not disturb the neighboring homes and businesses.
7. The applicant has expressed his intention to make his property more secure by adding lights and fencing, which will improve the security of the general area.
8. The access to the property is adequate for the proposed use.